

REMARKS

This Amendment is submitted simultaneously with filing of a Request for Continuing Examination.

The last Office Action has been carefully considered.

It is noted that claim 19 is rejected under 35 U.S.C. 102(b) over the patent to Nakamura.

Claims 18 and 19 are rejected under 35 U.S.C. 35 103(a) over the patent to Fritzsche.

Claims 1-3, 5-17, 20 and 21 are rejected under 35 U.S.C. 103(a) over the patent to Harada in view of the patent to Fritzsche.

Claim 4 is rejected under 35 U.S.C. 103 over the Harada reference in view of the patents to Fritzsche and Chochoy.

After carefully considering the Examiner's grounds for the rejection of the claims, applicants first of all amended the specification to more clearly define the components which are used in the inventive method. The elements 21 can be better defined as lamellas instead of laminations. This term corresponds

to the German term "Lamellen" used in the German priority application. Since this application is a U.S. national phase application based on the PCT application, which in turn is based on the German priority application, it is believed that the proposal to change the term "laminations" to -- lamellas -- which exactly corresponds to the original German term should be considered as acceptable and raising the issue of new matter.

Claim 1, the broadest claim on file, as amended, specifically defines a method for manufacturing a stator core 24 an electrical machine in which:

a plurality of strip-shaped laminations (21) are first stacked to form an essentially block-shaped lamination lamellas packet (40)

that is then shaped into an annular form by means of roller bending in one of the subsequent steps so that the outer teeth are provided on the outer circumference of the lamination packets

and has an axial direction (a) that corresponds to a cylinder axis (z),

the annular form having axial end surfaces (46),

wherein in another of the subsequent steps, the annular lamination packet (40) is plastically deformed in the axial direction (a) only on the outer teeth (70) of the axial end surfaces (46).

Turning now to the Examiner's rejection of the claims over the art and in particular over the patent to Fritzsche reference and Harada reference, it is believed to be advisable first of all to emphasize the new features of the present invention.

In the method in accordance with the present invention the outer teeth are provided on the outer circumference of the lamination packet, and the annular lamination packet is plastically deformed in the axial direction A only on the outer teeth 70.

In the patent to Fritzsche the stator core 35 does not have any outer teeth, and this reference discloses compression of the stack clearly in the region of the yoke 57. In the teething of the patent to Fritzsche is used in the Harada reference a method produced from such a combination would lead to compression of the stator core of the Harada reference not only on the outer teeth, but also stringent on the yoke which is clearly different from the method in accordance with the present invention as now defined in the amended claim 1.

The patent to Fritzsche does not contain any hint or suggestion to exclude any outer teeth, as not known from the patent to Fritzsche from pressing, but to press the yoke the teaching of the patent to Fritzsche never could exclude to press any outer teeth of the Harada's core.

Claim 1 was rejected under 35 U.S.C. 103 as obvious over the combination of the Harada reference in view of the Fritzsche reference. As was shown herein above, none of the references teaches the new features of the present invention as defined now in the amended claim 1. The combination of the references proposed by the Examiner would lead to the method which would be completely different from the method defined now in claim 1, and therefore the present invention as defined in the amended claim 1 can not be considered from the straight combination of the references. In order to arrive at the applicant's invention as defined in the amended claim 1 from the combination of the references, the references have to be fundamentally modified by including into them the new features of the present invention which are now defined in the amended claim 1. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such modification.

This principle has also be consistently upheld by the U.S. Court of Customs and Patent Appeals, which for example, held in its decision in *re Randol* and *Redford* (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Claim 1 therefore should be considered as patentably distinguishing over the art and should be allowed.

Turning now to claim 18, it is respectfully submitted that in the stator of an electrical machine defined in this claim, in addition to other features, the stator core is plastically deformed in a radial direction against the circumference of the stator core as explained on page 10, paragraph 3 of the specification, so that there are differences in the outer diameters of the stator core as shown in Figures 4 and 6.

The patent to Fritzsche does not disclose and does not provide any hint or suggestion for plastic deformation of the stator core in a radial direction against the circumference of the stator core to obtain differences in the outer diameters of the stator core. It does not contain any teaching which can be applied to the Harada reference to obtain a stator as defined in claim 18. The teaching of the patent to Fritzsche is to size the core in a way that the outer diameter is all the same in the axial direction, as can be seen from the drawing of the abstract and Figures 9-19. Additionally, the method is described in column 9, lines 30-60.

Claim 18 was rejected originally under 35 U.S.C. 103(a) over the patent to Fritzsche. This reference taken singly does not provide any hint or suggestion for the features which are now defined in the amended claim 1, and

therefore this rejection should be considered as not tenable and should be withdrawn.

Even the combination of the Fritzsche and Harada reference would not lead to the applicant's invention as defined in claim 18.

As for the Examiner's rejection of claim 19, the Examiner stated that the patent to Nakamura shows a stator which is similar to the stator defined in claim 19. Applicants have to respectfully disagree with this position. The axial length at the inner diameter of the stator disclosed in the patent to Nakamura is exactly the same as at the outer diameter of the stator. It is correct that there are chamfers 25 at the slots 21. However, the chamfers are not at the inner diameter, but end at the inner end at the inner end of the slot between the tooth heads, as can be seen for enclosed Figure 7 of this reference. It is therefore believed that claim 19 should also be considered as patentably distinguishing over the art and should be allowed.

Claim 22 which is the new claim currently on file substantially corresponds to claim 1, and additionally defines that the annular lamination patent is plastically deformed in radial direction against the circumference of the stator core, so that there are differences in the outer diameter of the stator core. This claim also patentably distinguishes over the art and should be allowed.

As for the dependent claims, these claims depend on the corresponding independent claims, and they share their allowable features, and therefore they should be allowed as well.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
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